

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Gordon P. KURTENBACH
Serial No.: 10/611,960
Filed: July 3, 2003
For: METHOD AND APPARATUS FOR PRODUCING, CONTROLLING AND DISPLAYING
MENUS

DECLARATION

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

I, Gordon Paul Kurtenbach, declare that:

1. I am the applicant and inventor of the subject matter described and claimed in the above identified application.
2. Prior to March 9, 1995 I conceived of a menu selection system including a display displaying a menu comprising a radial marking menu portion simultaneously displayed with a linear menu portion where a pointing device is used for indicating a type of selection by making a stroke or mark with a direction and designating a location and including a computer connected to the display and the pointing device, and determining selection criteria for the type and a menu item selection based on a method of selection from the stroke or location. On or about March 9, 1995 I documented this conception in my hardbound notebook as shown in Attachment A.

3. On or about March 22, 1995: I proceeded to prepare an Invention Proposal. This invention proposal was prepared in a number of drafts. I created a file called text file called "IP" which described the invention. The text editor I was using (emacs) created a temporary file "IP~" in the directory where I was storing these files. As can be see in Attachment B, the file "IP~" was last modified (saved) on March 22, 1995. On or about March 28, 1995: I returned to working on the Invention Proposal, creating drawings describing the invention. These drawings were created using a program called "showcase" and saved in a file "figs.shcs". Then in order to add the figures to the text description of invention, I exported the two drawings from the "figs.shcs" to rgb image files "fig2.rgb" and "fig3.rgb". I then used another program, perhaps "rgb2gif", to create gif versions of these files, resulting the creation of the files "fig2.gif", "fig3.gif". Finally, I modified the "IP" file with emacs to add in html formatting codes and links to the gif images and saved this modified version as the file "IP.html". The text editor created temporary file "IP.html~" and saved it. At this point, the invention proposal was forwarded to management to review and approve the invention for patenting. On or about May 1, 1995, I returned to the "IP.html" file to review it before printing it and having it sent to our patent lawyer. I saved the file, hence setting a final date modified for this file. The print out was given to Mr. Jones of the company to send to our patent lawyer. Attachment B includes a WINDOWS file directory listing the files described above. The "Date Modified" field shows the dates corresponding to the last time the files were modified as described above. Note that the files were created on the UNIX operating system then moved over to the WINDOW operating system; hence "Date Created" information was replaced with the date the files were moved. However, the original date modified remains from the UNIX system.

4. Before May 5, 1995 the print out of "IP.html" was sent Mr. Beckers of the law firm of Staas & Halsey by Mr. Jones via letter (see Attachment C). Via his letter Mr. Jones thereby sent a copy of the Invention Proposal to Mr. Beckers seeking the preparation and filing of a patent application.

5. On or about May 5, 1995, as noted in Attachment D, Mr. Beckers reviewed same.

6. On or about May 15, 1995 Mr. Beckers visited me in my office and the Invention Proposal was discussed.

7. On or about May 19, 1995 I sent to Mr. Beckers pseudocode that appears in the application and on or about May 23, 1995 I received a first draft of the application from Mr. Beckers as shown by Attachment E. I subsequently provided comments to Mr. Beckers.

8. On or about June 5, 1995 I received a second draft of the application from Mr. Beckers as shown by Attachment F.

9. On or about June 6, 1995 I supplied Mr. Beckers with changes in the application second draft as shown by Attachment G.

10. On June 6, 1995 US patent application serial number 08/469,913 was filed. The above identified application is a continuation of application number 09/263,958, filed March 8, 1999, which is divisional of application serial number 08/640,725 which is a continuation of the application 08/469,913 filed in 1995.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: June 7/07

By: Gordon Paul Kurtenbach
Name: Gordon Paul Kurtenbach